

COPY

MAURIELLO LAW FIRM, APC
 THOMAS D. MAURIELLO (SBN 144811)
 1181 Puerta Del Sol, Suite 120
 San Clemente, CA 92673
 Telephone: (949) 542-3555
 Facsimile: (949) 606-9690
 Email: tomm@maurlaw.com

(Additional Counsel Appear on Signature Page)

11 FEB 18 AM 11:24
 CLERK U.S. DISTRICT COURT
 CENTRAL DIST. OF CALIF.
 LOS ANGELES

FILED

IN THE UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF CALIFORNIA

SEAN GASS, on behalf of himself and all
 others similarly situated,

Plaintiff,

vs.

BEST BUY CO., INC.,

Defendant.

Case No.:

CV 11-01507 SJO(JCGX)

CLASS ACTION

COMPLAINT FOR DAMAGES

JURY TRIAL DEMAND

Plaintiff, Sean Gass, ("Plaintiff"), by and through his attorneys, brings this action, on behalf of himself and all others similarly situated, against Defendant, Best Buy Co., Inc. ("Best Buy" or "Defendant"), and, except for information based on his own personal knowledge, alleges on information and belief based on the investigation conducted by his counsel as follows:

NATURE OF THIS ACTION

1. Plaintiff brings this proposed class action on behalf of himself and all other individuals who, during the largest period allowed by law ("Relevant Time Period"), made one or more purchases from a Best Buy store in California with a credit card and had their ZIP code recorded by Best Buy during the transaction.

2. As the Supreme Court of California recently held in *Pineda v. Williams-Sonoma Stores, Inc.*, "personal identification information, as that term is used in section 1747.08,

{00026521; 1}

includes a cardholder's ZIP code." Thus, as set forth below, by requesting and recording the ZIP codes of Plaintiff and other Class members, Defendant violated the Song-Beverly Credit Card Act of 1971 (Civ. Code, Section 1747 *et seq.*) ("Act"), which "prohibits businesses from requesting that cardholders provide 'personal identification information' during credit card transactions, and then recording that information." *Id.* at *2. Defendant's conduct further violated California's Unfair Competition Law, California Business & Professions Code Section 17200, *et seq.* ("UCL").

JURISDICTION AND VENUE

3. This Court has original jurisdiction pursuant to 28 U.S.C. §1332(d)(2). The matter in controversy, exclusive of interest and costs, exceeds the sum or value of \$5,000,000 and Plaintiff and members of the Class are citizens of a state different from that of Defendant.

4. Venue is proper in this Court pursuant to 28 U.S.C. §1391 because: (a) Defendant is authorized to conduct business in this district and has intentionally availed itself of the laws and markets within this district; (b) Defendant does substantial business in this district; (c) Defendant is subject to personal jurisdiction in this district; (d) Plaintiff's transactions occurred in this district; and (e) Plaintiff resides in this district.

PARTIES

5. Plaintiff, at all times relevant to this action, has been a citizen of California, residing in Manhattan Beach, California.

6. Best Buy is a Minnesota corporation which, upon information and belief, maintains its principal place of business in Minnesota.

7. In this Complaint, when reference is made to any act, deed or conduct of Defendant, the allegation means that Defendant engaged in the act, deed or conduct by or through one or more of its officers, directors, agents, employees or representatives who was actively engaged in the management, direction, control or transaction of the ordinary business and affairs of Defendant.

///

///

///

FACTUAL ALLEGATIONS

8. On or about October 27, 2010 and December 23, 2010, Plaintiff visited a Best Buy retail store situated in El Segundo, California and purchased various items utilizing a credit card to pay for the purchases (“Transactions”).

9. In the course of each of the Transactions, the cashiers at Best Buy’s store situated in El Segundo, California asked Plaintiff for his ZIP code.

10. In the course of each Transaction, Plaintiff complied with the request and provided his ZIP code information as requested by Best Buy, and Best Buy recorded that information.

CLASS ACTION ALLEGATIONS

11. Plaintiff brings this lawsuit, both individually and as a class action, on behalf of similarly situated individuals pursuant to Federal Rule of Civil Procedure 23(b)(2) and (3).

12. Plaintiff seeks to represent a class defined as follows:

Class: All individuals who made one or more purchases from a Best Buy store in California with a credit card and had their ZIP code recorded by Best Buy during the transaction (“Class”).

13. Excluded from the Class are: (1) Defendant, any entity in which Defendant has a controlling interest, and its legal representatives, officers, directors, employees, assigns and successors; (2) the Judge to whom this case is assigned and any member of the Judge’s staff or immediate family; and (3) Plaintiff’s counsel.

14. While the exact number of Class members is unknown to Plaintiff at this time, the number can easily be obtained through discovery and a review of Defendant’s documents and records. Plaintiff reasonably believes that there are at least tens of thousands of Class members. Therefore, the Class members are so numerous that individual joinder of all Class members is impracticable under Calif. R.Civ.P. 23(a)(1).

15. There is a well-defined community of interest and common questions of law and fact which predominate over any question affecting only individual members of the Class. These common legal and factual questions, which do not vary from members of the Class and which may be determined without reference to the individual circumstances of any members of the Class, include, but are not limited, to the following:

{00026521; 1}

- a) Whether Plaintiff and Class members used credit cards to make purchases from Best Buy;
- b) Whether Defendant requested Class members' ZIP codes;
- c) Whether Defendant recorded Class members' ZIP codes;
- d) Whether Defendant's conduct violated the Act and the UCL; and
- e) The appropriate measure of statutory penalty to which the members of the Class are entitled.

16. Plaintiff's claims are typical of the claims of the proposed Class, and Plaintiff will fairly and adequately represent and protect the interests of the proposed Class. Plaintiff does not have any interests antagonistic to those of the Class. Plaintiff has retained competent counsel experienced in the prosecution of this type of litigation. The questions of law and fact common to the members of the Class, some of which are set out above, predominate over any questions affecting only individual members of the Class.

17. A class action is superior to all other available means for fairly and efficiently adjudicating the controversy. In this regard, the Class members' interests in individually controlling the prosecution of separate actions is low given the magnitude, burden and expense of individual prosecutions against large corporations such as Defendant. Further, neither Plaintiff nor his counsel is aware of any litigation concerning this controversy already begun by any of the Class members. It is desirable to concentrate this litigation in this forum to avoid burdening the courts with individual lawsuits. Individualized litigation presents a potential for inconsistent or contradictory judgments, and also increases the delay and expense to all parties and the court system presented by the legal and factual issues of this case. By contrast, the class action procedure here will have no management difficulties. Defendant's records and the records available publicly will easily identify the Class members. Finally, proceeding as a class action provides the benefits of single adjudication, economies of scale and comprehensive supervision by a single court.

18. Defendant has acted and refused to act on grounds generally applicable to the Class, making appropriate final injunctive relief with respect to the Class as a whole.

COUNT I

VIOLATION OF THE SONG-BEVERLY CREDIT CARD ACT

19. Plaintiff realleges and incorporates by reference each of the preceding paragraphs.

20. The Act provides in pertinent part: “[N]o person, firm, partnership, association, or corporation that accepts credit cards for the transaction of business shall...(2) Request, or require as a condition to accepting the credit card as payment in full or in part for goods or services, the cardholder to provide personal identification information, which the person, firm, partnership, association, or corporation accepting the credit card writes, causes to be written, or otherwise records upon the credit card transaction form or otherwise.”

21. Pursuant to the Supreme Court of California, the term “personal identification information” as contained in the Act “includes a cardholder’s ZIP code.” *Pineda*, at *18.

22. Defendant is a “person, firm, partnership, association, or corporation that accepts credit cards for the transaction of business,” as that phrase is used the Act, Section 1747.08(a).

23. During the Relevant Time Period, Plaintiff paid for purchases made at a Best Buy retail store located in California with a credit card. During these Transactions, Defendant requested that Plaintiff provide his ZIP code, which request Plaintiff complied with. Defendant recorded Plaintiff’s ZIP code.

24. Defendant’s actions as described above violate the Act, entitling Plaintiff and the other members of the Class to recover the statutory penalties contained therein.

COUNT II

VIOLATION OF THE UCL

25. Plaintiff realleges and incorporates by reference each of the preceding paragraphs.

26. Defendant has engaged in unfair, unlawful, and fraudulent business practices as set forth above.

27. By engaging in the above-described acts and practices, Defendant has committed one or more acts of unfair competition within the meaning of the UCL.

28. The injury to consumers by this conduct outweighs any alleged countervailing benefit to consumers or competition under all of the circumstances.

29. Defendant’s acts and practices are unlawful because they violate the Act (as described in detail herein).

30. Plaintiff, on behalf of himself and the Class, seeks an Order of this Court
{00026521; 1 }

1 awarding all relief permitted under the UCL.

2 **PRAYER FOR RELIEF**

3 WHEREFORE, Plaintiff, on his own behalf and on behalf of the members of the Class,
4 respectfully requests judgment against Defendant as follows:

- 5 a) certifying the Class as a class action pursuant to Rule 23(b)(3) and 23(b)(2);
6 b) appointing Plaintiff and his counsel to represent the Class;
7 c) finding and declaring Defendant's acts and practices as described herein to be
8 unlawful and in violation the Act and the UCL;
9 d) ordering Defendant to provide notice to the Class members;
10 e) ordering Defendant to pay statutory penalties pursuant to Section 1747.08(e)
11 in the maximum amount permitted by law;
12 f) ordering injunctive relief as appropriate;
13 g) awarding reasonable attorneys' fees and expenses as appropriate; and
14 h) awarding such other and further relief as this Court may deem just and proper.

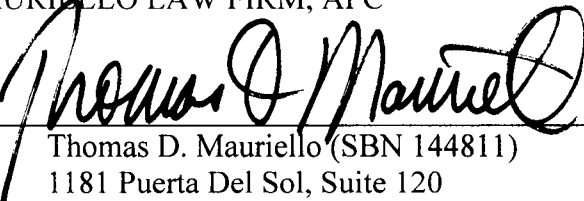
15 **JURY DEMAND**

16 Plaintiff demands a trial by jury of all issues so triable.

17 Dated: February 18, 2011

MAURIELLO LAW FIRM, APC

18 By


Thomas D. Mauriello (SBN 144811)
1181 Puerta Del Sol, Suite 120

San Clemente, CA 92673

Phone: (949) 542-3555

Fax: (949) 606-9690

tomm@maurlaw.com

23 Rose F. Luzon (SBN 221544)

24 SHEPHERD FINKELMAN MILLER & SHAH,
LLP

25 401 West A Street

Suite 2350

26 San Diego, CA 92101

Phone: 619-235-2416

27 Fax: 619-234-7334

rluzon@sfmslaw.com

James C. Shah (SBN 260435)
SHEPHERD, FINKELMAN, MILLER & SHAH,
LLP
35 E. State Street
Media, PA 19063
Phone: 610-891-9880
Fax: 610-891-9883
jshah@sfmslaw.com

Jeffrey S. Goldenberg
Todd B. Naylor
GOLDENBERG SCHNEIDER & GROH, LPA
35 East Seventh Street, Suite 600
Cincinnati, OH 45202
Phone: 513-345-8291
Fax: 513-345-8294
jgoldenberg@gsglegal.com
tnaylor@gsglegal.com
Pro Hac Motions to be filed

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge S. James Otero and the assigned discovery Magistrate Judge is Jay C. Gandhi.

The case number on all documents filed with the Court should read as follows:

CV11- 1507 SJO (JCGx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I. (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) SEAN GASS, on behalf of himself and all others similarly situated		DEFENDANTS BEST BUY CO., INC.	
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide name.) MAURIELLO LAW FIRM, APC, THOMAS D. MAURIELLO, ESQ. 1181 Puente Del Sol, Suite 120, San Clemente, CA 92673 Tel: (949) 542-3555		Attorneys (If Known) Unknown	

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input checked="" type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify):	<input type="checkbox"/> 6 Multi-District Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
---	---	--	---	---	--	---

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☒ Yes ☐ No **MONEY DEMANDED IN COMPLAINT:** \$Amount to be proved at trial

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

28 USC sec. 1332(d)(2) - Matter in controversy exceeds \$5,000,000, and Plaintiff and certain class members are residents of different state than Defendant

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 430 Commerce/ICC Rates/etc. <input type="checkbox"/> 440 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Bst TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 830 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fed Determination Under Equal Access to Justice <input type="checkbox"/> 930 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise Act <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 363 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage-Product Liability <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Rega <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Rel. Ins. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395m) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(a)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
---	--	--	--	---	--

CV11-01507

FOR OFFICE USE ONLY: Case Number

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
 If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
 If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District: *	California County outside of this District; State, if other than California; or Foreign Country
Plaintiff Sean Gass	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c)

County in this District: *	California County outside of this District; State, if other than California; or Foreign Country
	Defendant Best Buy Co., Inc. - Minnesota (State of Residence)

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District: *	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): Thomas D. Maurer Date February 18, 2011

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))